

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

832I0657

SENATE BILL NO. 146

Introduced by: Senators Knudson and de Hueck and Representatives Cutler, Cradduck, and McCaulley

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding visitation rights for
2 grandparents.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-4-52 be amended to read as follows:

5 25-4-52. The circuit court may grant grandparents reasonable rights of visitation with their
6 grandchild, with or without petition by the grandparents, if the visitation is in the best interests
7 of the grandchild and ~~either:~~

8 (1) If the visitation ~~would~~ will not significantly interfere with the parent-child relationship;
9 or

10 (2) If the parent or custodian of the grandchild has denied or prevented a the grandparent
11 reasonable opportunity to visit the grandchild. ~~There is a presumption that visitation~~
12 ~~with the grandparents is in the best interests of the grandchild if a parent of that~~
13 ~~grandchild, who is also the child of that grandparent, has died.~~

14 The circuit court shall issue any orders necessary to enforce or to protect visitation rights
15 granted pursuant to this section.

